

## UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Luticia McClary

Case Number: (S1) 07 CR 457-01 (DFE)

USM Number: 15403-171

Jennifer Brown

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) ONE☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 641	Theft of Public Funds, a Class A misdemeanor	05/27/07	ONE

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☒ Count(s) of the felony indictment x is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 21, 2007

Date of Imposition of Judgment

Douglas F. Eaton

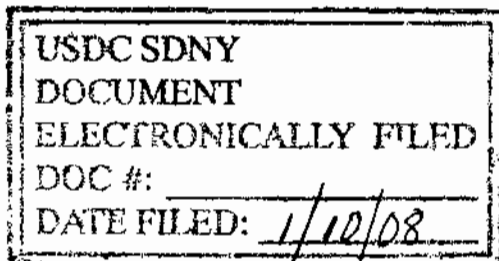
Signature of Judge

Douglas F. Eaton, United States Magistrate Judge

Name and Title of Judge

January 10, 2008

Date



DEFENDANT: Luticia McClary  
CASE NUMBER: (S1) 07 CR 457-01 (DFE)

### SPECIAL CONDITIONS OF SUPERVISION

1. I expect that the defendant will be supervised by a probation officer in South Carolina.
2. The defendant shall pay restitution in the amount of \$30,000 payable to the Clerk, U.S. District Court, in monthly installments of 15% of gross monthly income including pension and social security, over the three year period of supervision. The first monthly payment shall commence 30 days after the date of the judgment. Payments should be forwarded by the Clerk of Court to:  
  
NYCHA  
Office of Inspector General  
250 Broadway, 28<sup>th</sup> Floor  
New York, NY 10007  
Attention: Lauren Hintz  
  
Amount: 30,000  
Ref: Case 06-247: Luticia McClary
3. The defendant shall notify the United States Attorney for the Southern District of New York within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.
4. The interest requirement is waived for the restitution.
5. No fine has been imposed.
6. The defendant shall pay a special assessment in the amount of \$25.00.

DEFENDANT: Luticia McClary  
CASE NUMBER: (S1) 07 CR 457-01 (DFE)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Restitution
TOTALS	\$ 25.00	\$ 0	\$ 30,000

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.  
  
If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Clerk, U.S. District Court The Clerk shall forward payments to: NYCHA Office of Inspector 250 Broadway, 28 <sup>th</sup> Floor New York, NY 10007 Attention: Laureen Hintz Ref: Case 06-247: Luticia McClary	\$30,000.00	\$30,000.00	100%

TOTALS \$ 30,000.00 \$ 30,000.00

- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:  

☒ the interest requirement is waived for the ☒ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: Leticia McClary  
CASE NUMBER: (S1) 07 CR 457-01 (DFE)

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- The defendant shall pay restitution in the amount of \$30,000 payable to the Clerk, U.S. District Court, in monthly installments of 15% of gross monthly income including pension and social security, over the three year period of supervision. The first monthly payment shall commence 30 days after the date of the judgment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.